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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,910	08/06/2001	Donald F. Gordon	DIVA/113CON2	9300

56015 7590 03/07/2007
PATTERSON & SHERIDAN, LLP/
SEDNA PATENT SERVICES, LLC
595 SHREWSBURY AVENUE
SUITE 100
SHREWSBURY, NJ 07702

EXAMINER

SHANG, ANNAN Q

ART UNIT	PAPER NUMBER
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2623

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/922,910

Applicant(s)

GORDON ET AL.

Examiner

Annan Q. Shang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by **Knudson et al (6,016,141)**.

As to claim 1, note **Knudson** reference figures 1-11 discloses interactive TV program guide system with pay program package promotion and further discloses an interactive information distribution system containing service provider equipment and subscriber equipment (set-top terminal) that is interconnected by a communications network, the method of providing a subscription-on-demand service, comprising:

(MF/TV-DF 22/26) providing a set of more than two on-demand programs; packaging the set into a subset having at least two on-demand programs (fig.1 col.3, lines 9-21 and col.4, line 22-col.5, line 16).

Providing a user interface (figs.2 and 7-9, col.4, lines 16-col.5, line 16) having the subset as a selectable object, the user interface configured to allow selection of the selectable object representing the subset of at least two on-demand programs to be

purchased as a package for on-demand access (fig.6, col.4, line 38-col.5, line 30, line 52-col.6, line 57 and col.7, line 5-59)

As to claims 2-7, Knudson further discloses where in response to selection of the selectable object representing the subset of the at least two on-demand programs causing subscription to the programming package, providing a time limited access period to the subset of at least two on-demand programs without incurring an additional fee, providing a time limited to access period to the subset of the at least two on-demand programs, subscription to the package at a predefined price, where the predefined price is one-time access fee and where the one-time access fee has time-limited period of access (fig.6, col.5, line 17-col.6, line 57 and col.7, line 5-59).

As to claims 8-19, Knudson further discloses programming package where the programming packages are arranged in a hierarchical package of programming, comprising multiple program packages including a top level package including all of the at least two on-demand programs and at least one particular package including only a portion of the at least on-demand programs, one particular package with respective portion of at least two on-demand programs, defined according to content categories comprises one or more sports, particular teams, etc., (col.6, line 5-35) to enable a user to select from an object representing a top level of hierarchical package programming, user defined program package to enable personal subscription service, causing subscription of the programming packages upon selections of the objects for predefined price for predefined time period and where the SOD service provides the content

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subsets at a predefined price for a predefined time period (fig.6, col.5, line 17-col.6, line 57 and col.7, line 5-59).

Response to Arguments

3. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection discussed above. This office action is non-final.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Knudson et al (7,069,576) disclose interactive TV program guide system with pay program package.

Rowe et al (5,812,123) disclose system for displaying programming information.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC)** at 866-217-9197 (toll-free). If you would like assistance from a **USPTO Customer Service Representative** or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AS

Annan Q. Shang.


SCOTT E. BELIVEAU
PRIMARY PATENT EXAMINER
Acting SPE